

SENATE BILL NO. 435

INTRODUCED BY D. BERRY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LIMITS RELATED TO LOBBYING AND LOBBYISTS;
AND AMENDING SECTIONS 5-7-102 AND 5-7-105, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 5-7-102, MCA, is amended to read:

"5-7-102. Definitions. The following definitions apply in this chapter:

(1) "Business" means:

(a) a holding or interest whose fair market value is greater than \$1,000, in a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, self-employed person, holding company, joint-stock company, receivership, trust, or other entity or property held in anticipation of profit, but does not include nonprofit organizations; and

(b) present or past employment from which benefits, including retirement allowances, are received.

(2) "Commissioner" means the commissioner of political practices.

(3) "Docket" means the register of lobbyists and principals maintained by the commissioner pursuant to 5-7-201.

(4) "Elected official" means a public official holding a state office filled by a statewide vote of all the electors of Montana or a state district office, including but not limited to legislators, public service commissioners, and district court judges. The term "official-elect" also applies to the offices.

(5) "Individual" means a human being.

(6) "Lobbying" means:

(a) the practice of promoting or opposing the introduction or enactment of legislation before the legislature or the members of the legislature by a person other than a member of the legislature or a public official for more than 20 hours during a legislative session; ~~and~~

(b) the practice of promoting or opposing official action by any public official; and

~~(7)(c) "Lobbying for hire" includes~~ activities of the officers, agents, attorneys, or employees of a principal who are paid, reimbursed, or retained by the principal and whose duties include lobbying. If an

1 individual is reimbursed only for ~~his~~ personal living and travel expenses, which together are less than
2 \$1,000 ~~per a~~ calendar year, that individual is not considered to be lobbying ~~for hire~~.

3 ~~(8)(7)~~ (a) "Lobbyist" means a person who engages in ~~the practice of~~ lobbying ~~for hire~~.

4 (b) Lobbyist does not include:

5 (i) an individual acting solely on ~~his~~ the individual's own behalf; or

6 (ii) an individual working for the same principal as a licensed lobbyist if the individual does not have
7 personal contact involving lobbying with a public official on behalf of ~~his~~ the lobbyist's principal.

8 (c) Nothing in this section deprives an individual not lobbying ~~for hire~~ of the constitutional right
9 to communicate with public officials.

10 (9) "Payment" means distribution, transfer, loan, advance, deposit, gift, or other rendering made
11 or to be made of money, property, or anything of value.

12 (10) "Payment to influence official action" means any of the following types of payment:

13 (a) direct or indirect payment to a lobbyist by a principal, such as salary, fee, compensation, or
14 reimbursement for expenses, excluding personal living expenses; or

15 (b) payment in support of or assistance to a lobbyist or a lobbying activity, including but not
16 limited to the direct payment of expenses incurred at the request or suggestion of the lobbyist.

17 (11) "Person" means an individual, corporation, association, firm, partnership, state or local
18 government or subdivision of state or local government, or other organization or group of persons.

19 (12) "Principal" means a person who employs a lobbyist.

20 (13) (a) "Public official" means an individual, elected or appointed, acting in ~~his~~ an official capacity
21 for the state government.

22 (b) The term does not include those acting in a judicial or quasi-judicial capacity or performing
23 ministerial acts.

24 (14) "Unprofessional conduct" means:

25 (a) violating any of the provisions of this chapter;

26 (b) instigating action by a public official for the purpose of obtaining employment;

27 (c) attempting to influence the action of a public official on a measure pending or to be proposed
28 by:

29 (i) promising financial support; or

30 (ii) making public any unsubstantiated charges of improper conduct on the part of a lobbyist, a

1 principal, or a legislator; or

2 (d) attempting to knowingly deceive a public official with regard to the pertinent facts of an official
3 matter or attempting to knowingly misrepresent pertinent facts of an official matter to a public official."

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5 **Section 2.** Section 5-7-105, MCA, is amended to read:

6 **"5-7-105. Suspension of lobbying privileges.** ~~No~~ A lobbyist whose license has been suspended
7 and ~~no~~ a person who has been adjudged guilty of a violation of any provision of this chapter may not
8 engage in lobbying ~~for hire~~ until that person has been reinstated to the practice and ~~duly~~ licensed."

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